

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOROTHY STANLEY, AS EXECUTRIX OF	:	
THE ESTATE OF HELEN A. RUNGE,	:	
Plaintiff	:	
	:	No. 05-10849-RGS
v.	:	(Judge Stearns)
	:	
WALTER J. KELLY, et al.	:	CIVIL ACTION
Defendants	:	JURY TRIAL DEMANDED

PLAINTIFF'S MOTION FOR POSTPONEMENT OF TRIAL

AND NOW, COMES, Plaintiff, Dorothy Stanley, Executrix of the Estate of Helen A. Runge ("Plaintiff"), by and through her counsel, and requests that the trial in this matter currently scheduled to begin April 14, 2008 be postponed:

1. The trial in this matter was scheduled originally to begin February 11, 2008.
2. Due to scheduling complications experienced by this Honorable Court and one defendant, the trial was rescheduled to begin April 14, 2008.
3. Gilbert Stanley, a key witness for Plaintiff and co-executor of the Estate of Helen A. Runge, is unable to attend or provide testimony at the trial as currently scheduled due to his current health. Mr. Stanley's illness has advanced to the point that he is required to be on continuous oxygen, has extreme difficulty ambulating because of his lack of strength and is unable to provide for his activities of daily living, which activities are being provided by Dorothy Stanley, Plaintiff and Mr. Stanley's wife.
4. Moving forward with the trial as scheduled would require Mrs. Stanley to prosecute this matter beginning April 14th while away from her husband and during a

period when his health is at such a stage from which he may not recover. This would be of tremendous prejudice to Plaintiff.

5. Plaintiff respectfully requests that she be granted a postponement of trial until at least the Fall trial calendar and that the pre-trial filings and pretrial conference be rescheduled accordingly.

6. In support of the instant Motion, Plaintiff incorporates her Memorandum of Reasons In Support of Motion for Postponement of Trial.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant Plaintiff's Motion for Postponement of Trial.

Respectfully submitted,

LATSHA DAVIS YOHE & MCKENNA, P.C.

Dated: March 31, 2008

By /s/ Glenn R. Davis
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Attorneys for Plaintiff, Dorothy Stanley,
Executrix of the Estate of Helen A. Runge

LOCAL RULE 7.1 CERTIFICATION

I, Glenn R. Davis, counsel for Plaintiff, certify that we have contacted counsel for Defendants Kelly and Sunbridge regarding Plaintiff's Motion for Postponement of Trial on March 28, 2008. Counsel for Defendant Sunbridge concurs in this motion. Counsel for Defendant Kelly has not yet provided a position regarding this motion.

Dated: March 31, 2008

/s/ Glenn R. Davis

Glenn R. Davis

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing document was served upon the attorney of record for each party by electronic transmission.

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Dated: March 31, 2008

By /s/ Glenn R. Davis
Glenn R. Davis